

DATED:

AKIN GUMP STRAUSS HAUER & FELD LLP


R. Laurence Macon
State Bar No. 12787500
lmacon@akingump.com
KIRT S. O'NEILL
State Bar No. 00788147
koneill@akingump.com
300 Convent Street, Suite 1600
San Antonio, Texas 78205-3732
Telephone: (210) 281-7000
Fax: (210) 224-2035

STEVEN M. ZAGER
State Bar No. 22241500
1111 Louisiana Street, 44th Street
Houston, Texas 77002
Telephone: (713) 220-5800
Fax: (713) 236-0822

MICHAEL L. KIKLIS
District of Columbia Bar No. 462690
1333 New Hampshire Ave., N.W.
Washington, DC 20036
Telephone: (202) 887-4000
Fax: (202) 887-4288

-and-

LOCAL COUNSEL

T. JOHN WARD, JR.
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606-6400
Telephone: (903) 757-6400
Fax: (903) 757-2323
jw@jwfirm.com

**ATTORNEYS FOR PLAINTIFF
JUXTACOMM TECHNOLOGIES, INC.**



Eric M. Albritton
Texas State Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Fax: (903) 758-7397
ema@emafirm.com

John M. Desmarais, P.C.
Robert A. Appleby
James E. Marina
Jason Choy
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Donald J. Curry
Marc J. Pensabene
FITZPATRICK, CELLA
HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 218-2100

Jeffrey T. Zachmann
Eric Damon
IBM CORPORATION
1133 Westchester Avenue
White Plains, New York 10604
Telephone: (914)642-3000

**ATTORNEYS FOR DEFENDANTS
ASCENTIAL SOFTWARE CORP. AND
INTERNATIONAL BUSINESS MACHINES
CORPORATION**



CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this JOINT MOTION FOR DISMISSAL was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 20th day of October, 2009.

/s/ Steven M. Zager

STEVEN M. ZAGER